

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

BURBERRY LIMITED and
BURBERRY LIMITED,

Plaintiffs,

v.

JOHN DOE 1 A/K/A QIAO RENFENG A/KA QIU
YANYANG A/K/A LIN RUI A/K/A CHEN DERONG A/K/A
XUE BINXUAN A/K/A YONGBO LI A/K/A XIAO
JINGJING A/K/A JIANG AI A/K/A XU ZHEYE XU ZHEYE
A/K/A XU ZHEYE A/K/A ZHOUMINMIN A/K/A ZHAO LI
A/K/A ZHENG LINTIAN A/K/A LINTIAN ZHENG A/K/A
CHEN CHENG A/K/A YANG CHENG A/K/A HUANG
YAYAN A/K/A WU JINGQING A/K/A WU WU A/K/A
ZHANG LILI A/K/A CHEN MINXIA A/K/A LINXICHUN
A/K/A XICHUN LIN A/K/A XU ZIMI A/K/A XU ZIMI A/K/A
HUANG BOMING A/K/A LIU GUOREN; JOHN DOE 2
A/K/A LIUQING WU A/K/A/ WU LIUQING; JOHN DOE 3
A/K/A HONGPUYI A/K/A WANGHAO A/K/A LIUTAO
A/K/A LIMEI XIAO A/K/A XIAOLIMEI; JOHN DOE 4
A/K/A CHEN XUE A/K/A CHEN DAI A/K/A CHEN DAIL
A/K/A CHEN JUN YONG A/K/A CHEN XUEFENG; JOHN
DOE 5 A/K/A WANG ZHENGLI A/K/A SUN XIAN
SHENG A/K/A XIANGSHENG WANG A/K/A WANG
ZHENG LEI A/K/A ZHENGLI WANG A/K/A ZHENG
WANG A/K/A WANG XIAN SHENG; JOHN DOE 6 A/K/A
HUANGMINJUN A/K/A WU LONGQI A/K/A LUO TINGFEI
A/K/A QINFAN; JOHN DOE 7; JOHN DOE 8 A/K/A
CHENQI A/K/A QI CHEN A/K/A JONE SMITH A/K/A LIN
LIN A/K/A FJC004 A/K/A LE LE A/K/A JAMES D. HILL;
JOHN DOE 9 A/K/A REN XIAOQING A/K/A XIAOQING
REN A/K/A SUMMER A/K/A BUSINESS A/K/A AMY
SMITH A/K/A XIONG TENG A/K/A XIONTENG A/K/A
MIKE WANG A/K/A HE QIAN A/K/A DUOSIYIBEI A/K/A
ANNIE HE; JOHN DOE 10 A/K/A JUNGLE KOO; JOHN
DOE 11 A/K/A CHEN YIFAN A/K/A ZHANG SHI A/K/A LI
CHANG A/K/A PENG PENG A/K/A WAN SAN SAN A/K/A
MENG XIANG A/K/A GAN PING A/K/A FANG PING
A/K/A CHEN ZHEN A/K/A KAI SHA A/K/A WANG BIN
BIN A/K/A PING PING A/K/A LI MEIMEI A/K/A XU
WANG A/K/A PING JIN A/K/A XUE JI MING A/K/A
BOSER BOSET A/K/A WANG JIANG A/K/A WER ERW;
JOHN DOE 12 A/K/A CHEN GUOPENG A/K/A GUOPENG
CHEN; JOHN DOE 13 A/K/A WANGZHIQIANG A/K/A

Civil Action

No. 12 Civ. 0479

JUDGE GRIESA

**DECLARATION OF JOSEPH C.
GIOCONDA, ESQ. IN SUPPORT
OF PLAINTIFFS' MOTION FOR
AN ENTRY OF DEFAULT
JUDGMENT AGAINST ALL
DEFENDANTS**

YANG A/K/A ANDY A/K/A ONLY A/K/A LIURUOLAN; :
JOHN DOE 14 A/K/A WAN ZHENCAI A/K/A HUANG YAN :
A/K/A HUANG YAN JIN A/K/A YU MEI ZHANG A/K/A :
YANG WEN XUE; XYZ COMPANIES, AND JOHN DOES :
15-100, :
Defendants. :
:

DECLARATION OF JOSEPH C. GIOCONDA, ESQ.

1. I am counsel for Burberry Limited and Burberry Limited (collectively, “Burberry” or “Plaintiffs”) in this matter.
2. I have reviewed the docket on this matter in the United States District Court for the Southern District of New York.
3. Pursuant to the terms of the Temporary Restraining Order, Seizure Order, Asset Restraining Order, Domain Name Transfer Order, Order for Expedited Discovery, Order Permitting Service By Electronic Mail, and Order to Show Cause for Preliminary Injunction, issued by the Court on January 23, 2012 (Docket No. 4) the Plaintiffs served each of the Defendants via electronic mail as of January 30, 2012.
4. The Defendants’ answer to the Complaint was due on February 20, 2012.
5. As of today, the Plaintiffs have not been served with any valid response to the Complaint, no Defendant has answered, nor has any Defendant requested an extension of time in which to answer, nor has any counsel made an appearance on any of the Defendants’ behalf.
6. A copy of the Court docket is attached as Exhibit “A”.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 9, 2012

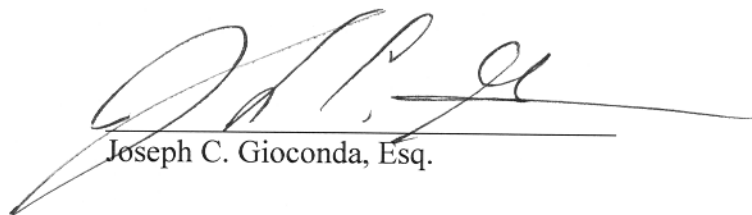

Joseph C. Gioconda, Esq.

EXHIBIT A

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:12-cv-00479-TPG**

Burberry Limited et al v. John Doe 1 et al
Assigned to: Judge Thomas P. Griesa
Related Case: 1:11-cv-08306-TPG
Cause: 15:1114 Trademark Infringement

Date Filed: 01/21/2012
Jury Demand: Plaintiff
Nature of Suit: 840 Trademark
Jurisdiction: Federal Question

Plaintiff

Burberry Limited

represented by **Jonathan Albert Malki**
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ATTORNEY TO BE NOTICED

Plaintiff

Burberry Limited

represented by **Jonathan Albert Malki**
(See above for address)
ATTORNEY TO BE NOTICED

Joseph Christopher Gioconda
(See above for address)
ATTORNEY TO BE NOTICED

Kristin Lia
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

John Doe 1
QIAO RENFENG A/K/A QIU YANYANG
AIKIA LIN RUI A/K/A CHEN DERONG
A/K/A XUE BINXUAN A/K/A YONGBO
LI A/K/A XIAO JINGJING A/K/A JIANG
AI A/K/A XUZHEYI XUZHEYI A/K/A
XU ZHEYI A/K/A ZHOUMINMIN AIKIA

Defendant

John Doe 2

A/K/A LIUQING WU A/K/A WU LIUQI G

Defendant

John Doe 3

AIKIA HONGPUYI A/K/A WANGHAO
A/K/A LIUTAO A/K/A LIMEI XIAO
A/K/A XIAOLIMEI

Defendant

John Doe 4

AIKIA CHEN XUE A/K/A CHEN DAI
A/KIA CHEN DAIL A/K/A CHEN JUN
YONG A/K/A CHEN XUEFENG

Defendant

John Doe 5

AIKIA WANG ZHENGLEI A/K/A SUN
XIAN SHENG A/KIA XIANGSHENG
WANG A/K/A WANG ZHENG LEI A/KIA
ZHENGLEI WANG A/K/A ZHENG
WANG A/K/A WANG XIAN SHENG

Defendant

John Doe 6

AIKIA WANG ZHENGLEI A/K/A SUN
XIAN SHENG A/KIA XIANGSHENG
WANG A/K/A WANG ZHENG LEI A/KIA
ZHENGLEI WANG A/K/A ZHENG
WANG A/K/A WANG XIAN SHENG

Defendant

John Doe 7

A/K/A HUANGMINJUN A/K/A WU
LONGQI A/KIA LUO 'FINGFE A/K/A
QINFAN

Defendant

John Doe 8

A/K/A CHENQI A/K/A QI CHEN A/K/A
JONE SMITH A/K/A LIN LIN A/KIA
FJC004 A/K/A LE LEA/KIA JAMES D.
HILL

Defendant

John Doe 9

A/KIA REN XIAOQING A/KIA
XIAOQING REN AIK/A SUMMER A/KIA
BUSINESS A/K/A AMY SMITH A/K/A
XIONG TENG A/K/A XIONTENG A/KIA
MIKE WANG A/K/A HE QIAN A/K/A
DUOSIYIBEIA/KIA ANNIE HE

Defendant

Defendant

John Doe 11

A CHEN YIFAN A/K/A ZHANG SHI
A/K/A LI CHANG A/K/A PENG PENG
A/K/A WAN SAN SAN A/K/A MENG
XIANG A/K/A GAN PING A/K/A FANG
PING A/K/A CHEN ZHEN A/K/A KAI
SHA A/K/A WANGBIN BIN A/K/A PING
PING A/K/A LI MEIMEI A/K/A XU
WANG A/K/A PING JIN A/K/A XUE JI
MIN

Defendant

John Doe 12

A/K/A CHEN GUOPENG A/K/A
GUOPENG CHEN

Defendant

John Doe 13

A/K/A WANGZHIQIANG A/K/A YANG
A/K/A ANDY A/K/A ONLY A/K/A
LIURUOLAN

Defendant

John Doe 14

AKA WAN ZHENCAI A/K/A HUANG
YAN A/K/A HUANG YAN JIN A/K/A YU
MEI ZHANG A/K/A YANG WEN XUE

Defendant

XYZ Companies

Defendant

John Does 15–100

Date Filed	#	Docket Text
01/20/2012	<u>1</u>	COMPLAINT against John Doe 1, John Doe 10, John Doe 11, John Doe 12, John Doe 13, John Doe 2, John Doe 3, John Doe 4, John Doe 5, John Doe 6, John Doe 7, John Doe 8, John Doe 9. (Filing Fee \$ 350.00, Receipt Number 465401027496) Document filed by Burberry Limited.(rdz) (Additional attachment(s) added on 1/26/2012: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit) (rdz). (Entered: 01/23/2012)
01/20/2012		SUMMONS ISSUED as to John Doe 1, John Doe 10, John Doe 11, John Doe 12, John Doe 13, John Doe 2, John Doe 3, John Doe 4, John Doe 5, John Doe 6, John Doe 7, John Doe 8, John Doe 9. (rdz) (Entered: 01/23/2012)
01/20/2012		CASE REFERRED TO Judge Thomas P. Griesa as possibly related to 11-cv-8306. (rdz) (Entered: 01/23/2012)
01/20/2012		Case Designated ECF. (rdz) (Entered: 01/23/2012)
01/20/2012		Mailed notice to Commissioner of Patents and Trademarks to report the filing of this action. (rdz) (Entered: 01/23/2012)
01/20/2012	<u>2</u>	STANDING ORDER IN RE PILOT PROJECT REGARDING CASE MANAGEMENT TECHNIQUES FOR COMPLEX CIVIL CASES IN THE SOUTHERN DISTRICT OF NEW YORK (See M-10-468 Order filed November

		1, 2011). This case is hereby designated for inclusion in the Pilot Project Regarding Case Management Techniques for Complex Civil Cases in the Southern District of New York (the Pilot Project), unless the judge to whom this case is assigned determines otherwise. This case is designated for inclusion in the Pilot Project because it is a class action, an MDL action, or is in one of the following Nature of Suit categories: 160, 245, 315, 355, 365, 385, 410, 830, 840, 850, 893, or 950. The presiding judge in a case that does not otherwise qualify for inclusion in the Pilot Project may nevertheless designate the case for inclusion in the Pilot Project by issuing an order directing that the case be included in the Pilot Project. The description of the Pilot Project, including procedures to be followed, is attached to this Order. (Signed by Judge Loretta A. Preska on 10/31/2011) (rdz) (Entered: 01/23/2012)
01/24/2012		CASE ACCEPTED AS RELATED. Create association to 1:11-cv-08306-TPG. Notice of Assignment to follow. (pgu) (Entered: 01/24/2012)
01/24/2012	<u>3</u>	NOTICE OF CASE ASSIGNMENT to Judge Thomas P. Griesa. Judge Unassigned is no longer assigned to the case. (pgu) (Entered: 01/24/2012)
01/24/2012		Magistrate Judge Ronald L. Ellis is so designated. (pgu) (Entered: 01/24/2012)
01/24/2012	<u>4</u>	TEMPORARY RESTRAINING ORDER, SEIZURE ORDER, ASSET RESTRAINING ORDER, DOMAIN NAME TRANSFER ORDER, ORDER FOR EXPEDITED DISCOVERY, ORDER PERMITTING SERVICE BY ELECTRONIC MAIL, AND ORDER TO SHOW CAUSE FOR A PRELIMINARY INJUNCTION: Defendants, and their officers, agents, servants, employees and attorneys and all those in active concert or participation with them, are TEMPORARILY RESTRAINED from the following listed herein. Defendants shall show cause as to why an Order pursuant to Rules 64 and 65 of the Federal Rules of Civil Procedure and Section 34 of the Lanham Act should not be entered granting Plaintiffs a Preliminary Injunction on the terms as set forth above. Show Cause Hearing set for 2/9/2012 at 04:30 PM in Courtroom 26B of the United States District Court for the Southern District of New York, 500 Pearl Street, New York, NY 10007 before Judge Thomas P. Griesa. Show Cause Response due by 2/7/2012. (Signed by Judge Thomas P. Griesa on 1/23/2012) (ft) (Entered: 01/24/2012)
01/25/2012		***NOTE TO ATTORNEY TO E-MAIL PDF. Note to Attorney Jonathan Albert Malki for noncompliance with Section 14.3 of the S.D.N.Y. Electronic Case Filing Rules & Instructions. E-MAIL the PDF for Document <u>1</u> Complaint, to: caseopenings@nysd.uscourts.gov. (rdz) (Entered: 01/25/2012)
02/01/2012	<u>5</u>	AFFIDAVIT OF SERVICE of Summons and Complaint,. All Defendants. Document filed by Burberry Limited., AFFIDAVIT OF SERVICE. Document filed by Burberry Limited. (Malki, Jonathan) (Entered: 02/01/2012)
02/01/2012	<u>6</u>	AFFIDAVIT OF SERVICE of Summons and Complaint,. All Defendants. Document filed by Burberry Limited., AFFIDAVIT OF SERVICE. Document filed by Burberry Limited. (Malki, Jonathan) (Entered: 02/01/2012)
02/09/2012		Minute Entry for proceedings held before Judge Thomas P. Griesa: Initial Conference held on 2/9/2012. (mro) (Entered: 02/17/2012)
02/10/2012	<u>7</u>	PRELIMINARY INJUNCTION: THEREFORE, IT IS HERBY ORDERED that Defendants, and their officers, agents, servants, employees, and attorneys, and all those in active concert or participation with them, are hereby PRELIMINARILY ENJOINED from the following set forth within this Order. IT IS FURTHER ORDERED THAT DEFENDANTS IMMEDIATELY deliver up to Burberry all unauthorized products, advertisements, and packaging in their possession or under their control bearing any of the Burberry Trademarks or any simulation, reproduction, counterfeit, copy, or colorable imitation thereof~ and all plates, molds, matrices, and other means of production of same pursuant to 15 U.S.C. § 1118; and it is further ORDERED THAT the appropriate Internet registrars and Internet registries, including without limitation Verisign, Inc. ("Verisign"), the Public Interest Registry ("PIR"), Affilias USA, Inc. ("Affilias"), and Neustar, Inc. ("Neustar"), shall remove any locks and holds placed on the Defendants' Infringing Domain Names, and shall immediately assist in the transfer of the Defendants'

		Infringing Domain Names to a gaining registrar of Plaintiffs' choice pending trial; and it is further ORDERED that Burberry may place a notice visible to the public on each of the Infringing Domain names that the Infringing Domain Names have been seized pursuant to this Court's Order. (Signed by Judge Thomas P. Griesa on 2/9/2012) (jfe) (Entered: 02/10/2012)
02/10/2012	<u>8</u>	DECLARATION of Melissa Roth, Esq. in Support re: <u>7</u> Preliminary Injunction,,,,,. Document filed by Burberry Limited. (Malki, Jonathan) (Entered: 02/10/2012)